

APRIL 4, 2011

A Regular Meeting of Mayor and Council was convened at 8:00 p.m. on April 4, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 21, 2010.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Connolly, Donovan, Lucas and McCarthy

Absent: Council Members Grasso and Lee

Also present was Borough Attorney Mark Kitrick and Borough Administrator/CFO Joseph DeLorio

## **PROCLAMATION:**

### ***ARBOR DAY***

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE**, I, George R. Dempsey Jr., Mayor of the Borough of Manasquan, do hereby proclaim April 29, 2011 as

### ***Arbor Day***

in the Borough of Manasquan, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**FURTHER**, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

## **VIRGINIA AVENUE ASSESSMENT HEARING**

Mr. Charles Rooney, T&M Associates, Borough Engineer stated that his office completed an evaluation of the curb, sidewalk and aprons on Virginia Avenue prior to the commencement of a road improvement program through the Local Aid DOT Grant Program. He advised that as a result of this evaluation a quality rating was assigned and that in turn relates to an assessment percentage based on Borough Ordinance in terms of the condition. He stated that curbs, sidewalks and aprons that are in poor condition will be replaced and assessed to the property owner 50% of the cost of replacement. He stated that if a property owner has a curb, sidewalk or apron that is deemed to be in good condition the assessment would only be 25% of the cost. He stated that if the property owner's replaced the curb, sidewalks or apron in the past 2 years and they are in excellent condition and can prove that, there will be no assessment. He also stated that if there are no curbs, sidewalks or aprons then the property owner will be assessed 100%. He advised

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that the areas that have lifted up from tree roots has been excluded from the calculation. He went over the prices that were used by the contractor. He advised that there were a combination of sidewalk materials and property owners were allowed to keep slate curb or sidewalk if they wanted. He went over the spreadsheet with the property owners' amounts due for this project.

Mayor Dempsey asked if council has any questions with regards to the assessment.

Council Member Donovan wanted to know if slate was re-set was there a cost for that.

Mr. Rooney stated that there was a separate cost for slate and a separate cost for new slate. He advised that these items were all publicly bid.

Mr. DeIorio stated for the record that the homeowners listed on the schedule were all notified by the Clerk's Office through US Postal service and any questions or responses were forwarded to Mr. Rooney for consideration. He advised that Mr. Rooney reached out to all individuals that contacted the Clerk's office and any changes or re-considerations have been amended in this schedule.

Council Member Connolly made a motion to open the hearing up to the public, seconded by Council Member Lucas. Motion carried unanimously.

Dennis DiPalma, 60 Virginia Avenue, stated that he spoke with the Borough Engineer about the assessment and his concern is with the workmanship that was performed by the contractor. He advised that it is now 2 years later and between his driveway and his apron it is starting to fall apart. He advised that he believes it might have to be replaced within the next couple of years.

Mayor Dempsey asked Mr. Rooney to meet with Mr. DiPalma and check it out.

Mr. Rooney stated that he has met with Mr. DiPalma and looked at it and he takes exception to the representation that was made. He stated that there is a crack on one of the slate panels on top of the apron which serves as the sidewalk, there is some cracking of the concrete that bridges the slate to the asphalt driveway behind the sidewalk. He stated that he does not see that the apron is falling apart or would need to be replaced within the next year or two. In addition, he stated that when this was reviewed with Mr. DiPalma it was decided to exclude the cost of the apron from the assessment, so there is a zero assessment in Mr. DiPalma's calculation on this project. He stated that he believes that there is nothing further that he could have done in terms of adjusting the assessment.

Mr. DiPalma stated that his concern was with the workmanship.

Mayor Dempsey stated that he would follow up on the workmanship.

Mr. DeIorio stated that he needs to forewarn the Governing Body that the goal tonight is to either accept the schedule as presented or amend it. He stated that in order for the tax collector to issue assessment bills the decision needs to be made on whether this schedule should be accepted or amended.

Council Member McCarthy stated that the schedule was drafted and then revised and wanted to know when the project was started.

Mr. Rooney stated that it was between 2008 and 2009. He stated that the total assessment for house 60 is \$2,897.30 and the assessment to the property owner is \$769.30.

Mayor Dempsey stated that it looks like there were adjustments made for this homeowner.

Mr. DiPalma stated that he has no problem with what Mr. Rooney is talking about with the dollar amounts. He stated that his concern has been voiced since the day the contractor did the work in front of his house and it has been a problem since day one. He stated that it is now starting to fall apart in his opinion. He believes that the contractor did not perform his job properly.

Council Member Connolly made a motion to close the public portion of the hearing, seconded by Council Member Lucas. Motion carried unanimously.

Council Member Donovan made a motion to accept the schedule and to instruct the tax collector to assess the homeowners, seconded by Council Member McCarthy. Roll call was taken and the motion carried

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unanimously.

**APPOINTMENT: Mr. Charles Rooney - Borough Engineer's Report**

Mr. Charles Rooney read the Engineer's report dated April 4, 2011.

Mayor Dempsey asked if all the Water Treatment Plant projects would fall under the NJEIT.

Mr. Rooney stated that they have done some preliminary investigation on that and the solar panels have been approved (in concept) that would fall under the EIT loan program and the well rehabs have gotten a verbal that they would. He stated that needs to be done in a formal fashion by letter.

Council Member Connolly inquired about the two (2) problem wells which are low production wells (#2 and #6) she wanted to know the shape of wells #5 and #7 and if they are in good shape.

Mr. Rooney stated that #5 and #7 wells are more recent and are being videotaped now. He stated that there were no indications of problems based on performance of these wells. He stated that they are hoping there are no issues with wells #5 and #7. They will be getting new motors but the well casing and screening will not be replaced.

Council Member McCarthy wanted to know the timeline if it is agreed to go forward with the change order.

Mr. Rooney stated that it would delay the project for 2 to 3 months. He stated that they were looking to get the new water treatment plant on line in late June. He stated that there was talk about having a phased transition June/July with the smaller yielding wells which are not as critical for the summer. He stated that looking at the condition of these wells he is looking at a Fall transition from old to new.

Council Member McCarthy asked if the drilling would be done by the Fall.

Mr. Rooney stated that it should be done by the fall. He advised that permits are needed for this and he has already touched base with the DEP. He stated that he will be asking for additional engineering fees based on this change in scope and he will detail that in a letter.

Council Member Connolly wanted to know why this information is being discovered now and why were the wells not looked at before the project.

Mr. Rooney stated that it is the cost of videotaping the wells and it was built into the project specifications. He stated that based on the functioning of the wells that there was no indication that there were any issues. He went over the well issues and why they are needed to be replaced.

Mr. DeIorio advised that the change order resolutions for the wells will be available on April 18, 2011 for consideration.

Mr. Rooney continued with his engineer's report.

**CONSENT AGENDA**

**RESOLUTION  
76-2011**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of

New Jersey that:

**WHEREAS**, refunds for overpayment on the following water bill

is due on the below described property in the amount designated as follows:

BLOCK: 97      LOT: 06    NAME: Hoy, David

WATER/SEWER #188400-0

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PROPERTY LOCATION: 28-28 ½ Wyckoff Avenue

AMOUNT OF REFUND: \$332.00

REASON FOR REFUND: Homeowner sold property on 10/20/2010. ACH withdrawal was not cancelled and new owner's bill was paid out of previous owner's account.

REFUND CHECK TO BE MADE PAYABLE TO:

David Hoy  
403 Prescott Ct  
Warrington, PA 18976-3669

**WHEREAS**, the Tax Collector has certified that the previous property owner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
77-2011**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

**WHEREAS**, a refund for a Homestead Rebate is due on the below described property in the amount designated as follows:

BLOCK: 97 LOT: 3 NAME: White, Paul E.

PROPERTY LOCATION: 44 Wyckoff Avenue

AMOUNT OF REFUND: \$256.18

REASON FOR REFUND: Homeowner sold property on 2/24/2011. State of NJ sent Homestead Rebate to be applied to May, 2011 taxes. Refund due to former owner.

REFUND CHECK TO BE MADE PAYABLE TO:

Paul E. White  
141 Belmont Avenue  
Garfield N.J. 07026-2824

**WHEREAS**, the Tax Collector has certified that the previous property owner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

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**RESOLUTION  
78-2011**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

**WHEREAS**, a refund for a Homestead Rebate is due on the below described property in the amount designated as follows:

BLOCK: 95            LOT: 13    NAME: Gahan, Rosemarie.

PROPERTY LOCATION:    27 Wyckoff Avenue

AMOUNT OF REFUND:    \$263.68

REASON FOR REFUND:    Homeowner sold property on 3/2/2011. State of NJ sent Homestead Rebate to be applied to May, 2011 taxes. Refund due to former owner.

REFUND CHECK TO BE MADE PAYABLE TO:

Rosemarie Gahan  
32 Cape May Ct  
Waretown, N.J. 08758

**WHEREAS**, the Tax Collector has certified that the previous property owner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
79-2011**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, Monmouth County, State of New Jersey, that the Municipal Clerk and the Mayor be authorized to sign the Interlocal Agreement between the Township of Wall and the Borough of Manasquan for the services of the Township's Crisis Intervention Team (CIT) to the Borough of Manasquan for victims of domestic violence. This agreement is for one year commencing May 1, 2011 and terminating on April 30, 2012.

**RESOLUTION  
80-2011**

**BE IT RESOLVED** by the Borough Council of the Borough of Manasquan, Monmouth County, State of New Jersey, that the Municipal Clerk be authorized to sign the City Connections Web Page Development Agreement & Statement of Work. This agreement is for one year commencing March 26, 2011 and terminating on March 25, 2012.

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**RESOLUTION  
82-2011**

**BE IT RESOLVED** by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

**WHEREAS**, a refund for a Homestead Rebate is due on the below described property in the amount designated as follows:

BLOCK: 116      LOT: 1.04    NAME: Petersen, Fredrick & Margo

PROPERTY LOCATION:    20 S. Farragut Ave

AMOUNT OF REFUND:    \$430.19

REASON FOR REFUND:    The State of NJ sent the Borough the 2009 Homestead Rebate. This owner sold the property on 11/11/10. Former Owner is entitled to refund.

REFUND CHECK TO BE MADE PAYABLE TO:

Fredrick & Barbara Petersen  
9 Barbados Ct  
Hamilton, N.J. 08610

**WHEREAS**, the Tax Collector has certified that the previous property owner is entitled to the refund.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION  
87-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING  
THE MAYOR TO EXECUTE ADDENDUM (2) TO AGREEMENT  
SUPPLEMENTING AGREEMENT ENTITLED "STOCKTON LAKE PARK  
RECREATIONAL IMPROVMENTS" BETWEEN THE BOROUGH OF  
MANASQUAN AND MANASQUAN/BRIELLE LITTLE LEAGUE**

**WHEREAS**, the Borough of Manasquan and Manasquan/Brielle Little League previously executed agreements entitled "Stockton Lake Park Recreational Improvements" dated June 6, 2005 and April 16, 2007; and

**WHEREAS**, the Borough of Manasquan, and Manasquan/Brielle Little League have agreed on the terms of a second addendum dated April 4, 2011, to these previous agreements; and

**WHEREAS**, a copy of Addendum (2) is attached to this Resolution and contains the complete revised agreement between the Borough of Manasquan and Manasquan/Brielle Little League;

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**NOW, THEREFORE BE IT RESOLVED** on the 4<sup>th</sup> day of April 2011, by the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey that Mayor George Dempsey, Jr. is hereby authorized to execute Addendum (2) on behalf of the Borough of Manasquan with Manasquan/Brielle Little League.

**RESOLUTION  
85-2011**

**BE IT RESOLVED**, that the Hon. George R. Dempsey, Jr., Mayor of the Borough of Manasquan, be and is hereby authorized to sign the Agreement Between The Borough of Manasquan and Office and Professional Employees International Union, AFL-CIO, Local 32 effective January 1, 2010 through December 31, 2012

**RESOLUTION  
86-2011**

**WHEREAS**, the Borough of Manasquan is desirous of appointing Seasonal Beach Employees for the Summer Season of 2011; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, on this 4<sup>th</sup> day of April, 2011 appoint the following Seasonal Beach Employees to work during the Summer Season, 2011:

- Tracy Sullivan 149 Curtis Place, Manasquan \$15.00 hr.
- Eileen McFadden 117 Marcellus Avenue, Manasquan \$15.00 hr.
- Kayla White 2013 Tangier Drive, Allenwood \$12.50 hr.
- Lucille Wall 643 Rankin Road, Brielle \$12.50 hr.
- Laurie Brandon 37 Howe Street, Bayhead \$12.50 hr.
- Anne Marie Fernandez 6 Branin Avenue, Manasquan \$12.00 hr.
- Kelly Scimeca 1305 W. Magnolia Avenue, Sea Girt \$12.50 hr.
- Brian Dreher 509 Magnolia Avenue, Brielle \$10.50 hr.
- Ryan Dullea 115 Main Street, Manasquan \$9.50 hr.
- John Nicastro 287 20<sup>th</sup> Avenue, Brick \$9.50 hr.
- John Revel 23A Euclid Avenue, Manasquan \$10.50 hr.
- Brandon Wall 14 Roslyn Drive, Tinton Falls 9.50 hr.
- Kevin Keefe 51 Woodland Avenue, Manasquan \$12.50

**RESOLUTION  
88-2011**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:**

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.
2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

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The computer print-out of the list of checks will be on file in the Clerk's Office.

CURRENT FUND	2,160,402.74
WATER/SEWER FUND:	234,233.79
BEACH FUND:	7,791.71
GENERAL CAPITAL FUND:	164,393.85
WATER/SEWER CAPITAL FUND:	
BEACH IMPROVEMENT FUND:	

Council Member Donovan made a motion to approve the Consent Agenda, seconded by Council Member Connolly. Roll call was taken and the motion carried unanimously.

#### APPROVAL OF MINUTES

Special Meeting Minutes – December 30, 2010. Council Member Lucas made a motion to approve the minutes, seconded by Council Member Donovan. Council Member McCarthy abstained. Roll call was taken and the motion carried.

#### COMMITTEE REPORTS

Administration & Finance Committee – Council Member Connolly acknowledged the Tax Collector, Valerie Bills report of April 1, 2011. She also reported that Mr. DeLorio received from the Department Heads several recommendations how to raise revenue, so the Administration and Finance Committee will be meeting to evaluate those recommendations.

Public Safety & Recycling Committee – Council Member Lucas had nothing further to report.

Public Property and Parks Committee – Council Member McCarthy had nothing further to report.

Public Works Committee – Council Member Donovan wanted to congratulate the Recreation Commission on a great day for the Fool's Run. He reported that there were around 1,000 runners and everything was well organized.

#### AUDIENCE PARTICIPATION

Council Member Lucas made a motion to open the meeting up to the public, seconded by Council Member Connolly. Motion carried unanimously.

Lou Coccozza, 45 N. Potter Avenue wanted to make a couple of comments and observations about Mr. Rooney's report. He stated that if his recollection is correct this project was originally engineered for \$5.5 million and came in at \$3.9 million, however, because of the mandates the borough still maintains the higher number with the contingency fund, so this extra money that the Borough is going to have to spend is not going to result in an increase in taxes.

Mayor Dempsey stated that it would not be increasing taxes.

Council Member Donovan stated that is the money that the Borough is getting from the NJEIT which was borrowed at 75% zero interest and 25% at high market rate. He stated that a certain amount of money needed to be borrowed to comply with the NJEIT to comply with their requirements.

Ed Hyer, 56 Second Avenue asked for clarification on the Engineer's Report with regard to the I Boat issue. He wanted to know if previous conversation entailed both Fourth Ave. and Perrine Blvd. and have they been separated into 2 separate projects.



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Mr. Rooney stated that both areas are being considered for an I Boat grant. He stated that when he met with representatives from I Boat he was advised that bulk heading by itself would probably not score that high. He advised that I Boat representatives suggested the Borough consider a municipal boat ramp.

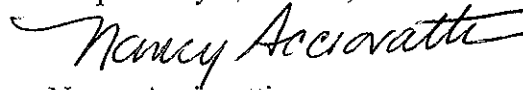
Mr. Hyer stated that he would like to see those two projects separated.

Council Member Donovan stated that they most likely will be separated because that is a huge bulk head project with both of them.

Council Member Connolly made a motion to close the public session, seconded by Council Member Donovan. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:45 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,



Nancy Acciavatti  
Deputy Municipal Clerk

DATE APPROVED 9/12/2011